

Certificate of Notice Page 1 of 4
United States Bankruptcy Court
Eastern District of Pennsylvania

In re:
Donnell B. Simon
Debtor

Case No. 17-14928-elf
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0313-2

User: Virginia
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 18, 2018.

db +Donnell B. Simon, 227 Baily Road, Yeadon, PA 19050-3001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 18, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 16, 2018 at the address(es) listed below:

KEVIN G. MCDONALD on behalf of Creditor Ditech Financial LLC KMcDonald@blankrome.com
MARY F. KENNEDY on behalf of Creditor Ally Bank mary@javardianlaw.com, tami@javardianlaw.com
REBECCA ANN SOLARZ on behalf of Creditor Ditech Financial LLC bkgroup@kmlawgroup.com
TIMOTHY ZEARFOSS on behalf of Debtor Donnell B. Simon tzearfoss@aol.com
United States Trustee USTPRegion03.PH.ECF@usdoj.gov
WILLIAM C. MILLER, Esq. ecfemails@ph13trustee.com, philaecf@gmail.com

TOTAL: 6

LAW OFFICE OF GREGORY JAVARDIAN, LLC
By Mary F. Kennedy, Esquire
Attorney I.D. # 77149
1310 Industrial Blvd.
1st Floor, Suite 101
Southampton, PA 18966
(215) 942-9690
Attorney for Ally Bank

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Chapter 13 Proceeding
Donnell B. Simon	
Debtor(s)	No. 17-14928 ELF
Ally Bank	
Objectant(s)	
v.	
Donnell B. Simon	
Respondent(s)	

STIPULATION BY AND DONNELL B. SIMON AND ALLY BANK

WHEREAS, on November 15, 2017 Ally Bank filed a Proof of Claim (Claim No. 4). Per the filed Claim as of the date of the filing of the bankruptcy petition the secured amount due Ally Bank was \$22,461.03 and the pre-petition arrears due Ally Bank was \$6,801.90;

WHEREAS, Ally Bank's Claim is based on a second Mortgage and Note executed by Donnell B. Simon (hereinafter "Debtor") on July 13, 2007 (loan no. xxxxxx3064). The second Mortgage gives GMAC Mortgage LLC a security interest in the Debtor's property located at 227 Baily Rd., Yeadon, PA 19050 hereinafter "the property"). The second Mortgage was recorded in the Delaware County Recorder of

Deeds Office on July 23, 2007 in book 4159 page 179. The Mortgage was assigned to Ally Bank via an Assignment of Mortgage recorded in the Delaware County Recorder of Deeds Office on September 15, 2017 in book 6062 page 101;

WHEREAS, on January 23, 2018 Debtors filed an Amended Plan. The Amended Plan proposes to modify Ally Bank c/o Cenlar's secured claim and pay Ally Bank c/o Cenlar a modified principal balance of \$0.00;

WHEREAS, on February 6, 2018 Ally Bank filed an Objection to the Amended Plan;

WHEREAS, the parties wish to avoid the time and expense of an adversary action to determine the secured status of Ally Bank's claim; and

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Objection to Plan and stipulate and agree as follows:

1. The parties agree that the property has a value of \$140,000.00.
2. The parties agree that the first mortgagee, New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing, has a secured claim of \$237,359.69 (Claim No. 5).
3. For purposes of settling the Objection to Plan only and without admitting any liability the parties agree that Ally Bank's secured claim (Claim No. 4) is \$0.00.
4. Ally Bank's claim (Claim No. 4), \$22,461.06, shall be treated as a general unsecured claim.
5. Upon the completion the Plaintiff's Chapter 13 Plan payments and the entry of a discharge order, the cram down will be completed and Ally Bank it's successors and/or assigns shall release its lien on the property. Said lien was recorded in the

Simon - # 17-14928

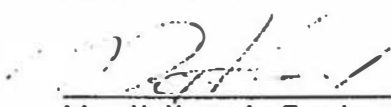
Delaware County Recorder of Deeds Office on July 23, 2007 in book 4159 page
179.

6. Should the bankruptcy be dismissed for any reason whatsoever or should this case
to converted to a Chapter 7 this Stipulation shall be null and void and the original
terms of the Note and second Mortgage dated July 13, 2007 shall be in effect.
Should one of these situations occur Ally Bank, will not release its lien on the
property.
7. The parties agree that a facsimile may be submitted to the Court as if it were an
original.

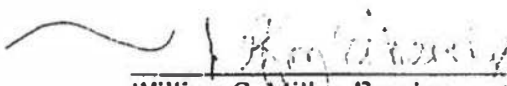
STIPULATED AND AGREED TO BY:

/s/ Timothy Zearfoss
Timothy Zearfoss, Esquire
Attorney for Donnell B. Simon and

Date: 2/13/2018


Mary K. Kennedy, Esquire
Attorney for Ally Bank

Date: 2/14/2018


William C. Miller, Esquire
Chapter 13 Trustee

Date: 2/14/2018

NO OBJECTION
without prejudice to any
trustee rights or remedies

ORDER

On this 16th day of February, 2018, approved by the Court.



ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE